

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ROMERO ANDERSON, 06-A-0077,

Plaintiff,

v.

DECISION AND ORDER  
14-CV-00192

ANDREW S. PEDALTY, S. SGT.,  
ANTHONY SPAHALSKI, Corr/Off,  
SEAN F. DAVIS, Corr/Off,

Defendants.

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The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On March 9, 2015, Magistrate Judge McCarthy filed a Report and Recommendation (Dkt. No. 10), recommending that defendant Spahalski's motion to dismiss the Complaint (Dkt. No. 7) be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, defendant Spahalski's unopposed motion to dismiss the Complaint is denied

The case is referred back to Magistrate Judge McCarthy for further proceedings.

IT IS SO ORDERED.

*Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: April 9, 2015